



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: WEBLER
Serial No.: 09/748,405
Filed: December 21, 2000
Examiner: Maiorino, Roz
Group Art Unit: 3763
Atty Docket No.: GUID.024US01
(01-031)

Title: SYSTEM AND METHOD FOR ACCESSING THE CORONARY SINUS

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this communication is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 14, 2004.

15 Total Pages, Return Postcard

By:

Kelly S. Wadgney
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RESPONSE TO FINAL OFFICE ACTION

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action dated August 25, 2004, please reconsider the application in view of the following remarks. The pending claims are presented in accordance with the "revised format" of 37 C.F.R. § 1.121.

Authorization is herewith given to charge **Deposit Account 50-0996** (GUID.024US01) all requisite fees, should any be incurred by entry of this Response after Final.

A listing of the pending claims begins on page 2 of this paper.

Remarks/Arguments begin on page 11 of this paper.

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Moreover, In Ex parte Bylund, 217, U.S.P.Q. 492 (Bd. Pat. App. 1981), for example, the Board made the following statement on the issue of functional language in claims:

Although we have sustained several of the Examiner's rejections, we here wish to specifically note that contrary to the Examiner's assertions, functional language in the claims must be given full weight and may not be disregarded in evaluating the patentability of the subject matter defined employing such functional language. *Id* at 498 (*emphasis added*).

Applicant respectfully asserts that the Examiner is compelled by the MPEP and by the case law to give full weight to the language of Applicant's rejected claims, and not to disregard this language in evaluating the patentability of claims 1-45. Because the Examiner has not properly followed examination procedure in this regard, final rejection of the pending claims is premature, and must be withdrawn.

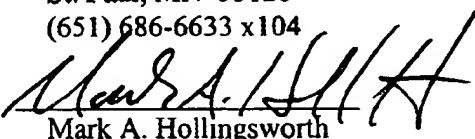
Assuming the Examiner properly withdraws finality of the present rejections, Applicant reiterates in full the arguments for patentability presented in its responsive amendment dated 05/27/2004.

It is believed that, in view of the arguments above and in the responsive amendment dated 05/27/2004, claims 1-45 are in condition for allowance. The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if there are any questions regarding this Response, or if prosecution of this application may be assisted thereby.

Respectfully submitted,
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Date: October 14, 2004

By:


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